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U.S. Small Business Administration SBA

DOORS

Fernando J. Guerra

U. S. SMALL BUSINESS ADMINISTRATION

8a Contracting Officer & Business Development Specialist

Veterans Business Development officer

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LEGISLATIVE HISTORY

- 1999 Veterans Entrepreneurial Act and Small Business Development Act of 1999 (PL 106-50)
- 2003 Veterans Benefits Act (PL 108-183)
- 2004 Executive Order 13360
- 2006 Veterans Benefits, Health and Technology Act (PL 109-461)

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ELIGIBILITY

- The SDV must have a service-connected disability that has been **determined by the Dept of Veterans Affairs or DOD**
- The SDVO SBC must be **small** under the NAICS code assigned to the procurement
- The SDV must **unconditionally own 51%** of the SDVO SBC
- The SDV must control the management and **daily operations** of the SDVO SBC
- The SDV must hold the **highest officer position** in the SDVO SBC

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SET ASIDES

A contracting activity may not make a requirement available for a SDVO contract if:

1. The requirement would be fulfilled through award to **Federal Prison Industries**, Inc. or to **Javits-Wagner-O'Day Act** participating non-profit agencies for the blind and severely disabled.

2. The requirement is currently being performed by an 8(a) participant or SBA has accepted that requirement for performance under the authority of the **Section 8(a) Program**.

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SET ASIDE

A Contracting Officer (CO) may set-aside requirements if:

1. The requirement is **not exempted** from SDVO contracting.

2. The contracting officer **considers** setting aside the requirement for **8(a), HUBZone, or SDVO SBC participation** before considering setting aside the requirement as a small business set-aside.

4. There is a reasonable expectation that **at least two** responsible SDVO SBCs will submit offers; and

5. The award can be made at a **fair market price**.

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Set Aside

A CO may award a sole source contract if:

1. The requirement is **not exempted** from SDVO contracting and **cannot be set-aside**.

2. The CO **does not** have a reasonable expectation that at least two **responsible** SDVO SBCs will submit offers.

3. The anticipated award **price** of the contract, including options, will **not exceed**:
   - $5.0M for manufacturing requirements
   - $3.0M for all other requirements

4. Award can be made at a **fair market price**.

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JOINT VENTURES

- SDVO SBC and one or more other business concerns may submit an offer on a competitive procurement so long as each concern is small under the size standard assigned to the NAICS code corresponding to the contract provided:
  - revenue base - Procurement exceeds half the size standard to the NAICS assigned to the contract
  - Employee base - procurement exceeds $10,000,000

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SIZE

- For sole source and competitive SDVO SBC Procurements that do not exceed the thresholds
  - The joint venture will be considered affiliated
  - Combined average receipts or employees must meet the size standard.

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OTHER FACTORS OF THE JOINT VENTURE

- SDVO SBC must be the managing partner
- Employee of the SDVO SBC must be project manager
- 51% of profits distributed to SDVO
- Specify responsibilities of the parties
- Obligate all parties to ensure performance
- Final records kept by SDVO SBC
- Performance of work IAW 13CFR124.510
- Contract execution in the name of the JV

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PROTEST

- Who may file
  - Sole source SBA or contracting officer
  - Competitive – any interested party
- Must be in writing
  - Specify all grounds for protest
- Filing
  - Interested party other than CO or SBA deliver to CO via fax, express delivery, in person, or USPO
  - CO or SBA must submit to Director of Office of Government contracting.

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Veterans Benefits, Health Care and Information Act PL 109-461

- Pertain only to the Department of Veterans Affairs
- Priority/preference: SDVOSBC, VOSBC
- Conditions Met
- Register in WWW.VetBiz.Gov
- Be able to award on a fair and reasonable assurance.
- May award sole greater than $100K to $5,MM
- Achieved goal SDVO 12.09% and 15.27% in FY 2008.

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Contact Information

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